

Remarks

The above amendments are submitted in response to the office action of September 24, 2003 in which claim 1 (now cancelled) and claims 33, 47-49 and 55 were finally rejected as anticipated under §102(b) by USP 2,537,838 (Logan). All of the rejected claims are directed to the embodiment of a wrench with a single handle.

Claims 34-46 were allowed and dependent claims 50-54, 56 and 57 were found to define allowable subject matter:

The amendments to the finally rejected independent claim 33 provide further clarifying limitations that distinguish the structure that is directed to the wrench with a single handle over the Logan disclosure.

Entry of the Amendments Under Rule 116(b) is Appropriate

In view of the clarifying nature of these further limitations, no additional search is deemed to be required and reconsideration under the provisions of Rule 116(b). We respectfully submit that entry of the requested amendment is appropriate, as it renders the claim allowable. In the alternative, should the Examiner find that claim 33 is not allowable, then entry is requested to put claim 33 in better condition for appeal.

Allowed claim 34 includes a minor clarifying amendment to indicate that the gripping portions, or jaws, are opposed to each other.

Claims 46, 56 and 57 are amended to correct obvious typographical errors and make editorial corrections.

**Amended Claim 33 is Patentably
Distinguishable Over the Art**

As a preliminary matter, we note that the recited structure of allowed independent claim 34 directed to the improved wrench with two handles is in its material aspects the same as that of the wrench of claim 33 having a single handle.

The amendments include the limitation that the cam operatively associated with the handle is co-operable with a second abutment on the second leverage portion and a first abutment on the first leverage portion, whereby operation of the cam urges the first and second leverage portions apart. These first and second abutment faces define a construction that is not found in the prior art.

It is to be further noted that the wrench of the present invention includes a cam associated with the handle that bears upon both jaw members, whereas in the wrench of the prior art, the handle bears against only one of the jaw members. Furthermore, the wrench of the prior art relies upon the jaw to which the handle is pivoted to partially wrap around the article to be rotated to gain an initial purchase on the article prior to the leverage being applied by the handle engaging the other jaw member to complete the clamping action. Thus, the modes of operation associated with the respective wrench constructions is also different.

Since the added features defined by the amended claim are neither found in the Logar reference, nor fairly suggested by its disclosure, the rejection must be withdrawn.

Favorable reconsideration and withdrawal of the rejection of independent claim 33 is

respectfully requested. Since the remaining rejected claims 47-49 and 55 are dependent from claim 33, the allowance of claim 33 will render all the claims allowable and none of these dependent claims will have to be rewritten.

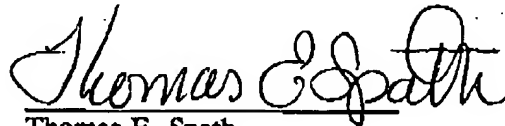
Conclusion

Entry of the above amendments is appropriate under Rule 116(b) for the purpose of putting all of the remaining claims in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorneys for Applicant

By



Thomas E. Spath
Reg. No. 25,928
150 East 42nd Street
New York, NY 10017-5612
(212) 949-9022